

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**JOE ALFRED IZEN, JR. AND ON POINT §
EVENTS, L.P., §**

Plaintiffs §

VS. §

**EVANSTON INSURANCE COMPANY §
AND MARKEL SERVICE, INC., §**

Defendants §

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants Evanston Insurance Company and Markel Service Incorporated (collectively “Defendants”) files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully show the Court as follows:

PROCEDURAL BACKGROUND

1. On or about December 11, 2015, Plaintiffs filed Plaintiffs’ Original Petition in the matter styled *Joe Alfred Izen, Jr. and On Point Events, L.P. v. Evanston Insurance Company, an Illinois Corporation d/b/a Evanston Insurance Company and Markel Service, Inc.*; Cause No. 2015-74639; In the 270th Judicial District Court, Harris County, Texas (the “State Action”). This is an insurance coverage lawsuit in which Plaintiffs allege that the Defendants failed to properly reimburse defense costs for an underlying lawsuit. Plaintiffs have not made a jury demand.

BASIS FOR REMOVAL

2. Removal is proper under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446. There is complete diversity of citizenship and the amount in controversy is above the required limit.

3. In Plaintiffs' Original Petition, Plaintiffs seek damages in the amount of \$35,864.47, pre- and post-judgment interest, court costs, and other relief to which Plaintiffs allege that they are entitled. Plaintiffs are also seeking \$30,000.00 in legal fees for simply drafting the Plaintiffs' Original Petition in the state court action, and such steep legal fees shall surely increase as this litigation continues. Accordingly, the amount in controversy exceeds the threshold for the jurisdictional removal requirement of \$75,000.

4. Upon information and belief, Plaintiff Joe Alfred Izen, Jr. resides in the City of Houston in Harris County, Texas.

5. Upon information and belief, Plaintiff On Point Events, L.P. is a Texas limited liability partnership with its principal place of business in Houston, Texas.

5. Defendant Evanston Insurance Company is incorporated in Illinois with its principal place of business in Illinois.

7. Defendant Markel Service Incorporated ("MSI") is incorporated in Virginia with its principal place of business in Virginia.

THE REMOVAL IS PROCEDURALLY CORRECT

15. Plaintiffs served Defendant Markel Service Incorporated with process through the Commissioner of Insurance on January 4, 2015. Accordingly, this Notice of Removal is timely. 28 U.S.C. §1446(b).

16. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a

substantial part of the events giving rise to the Plaintiffs' claims allegedly occurred in this district.

17. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

19. Pursuant to 28 U.S.C. §1446(d), promptly after Defendants file this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.

20. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the Clerk of Harris County, promptly after Defendants file this Notice.

CONCLUSION

21. Based upon the foregoing and the other documents filed contemporaneously with this Notice, all fully incorporated herein by reference, Defendants Evanston Insurance Company and Markel Service Incorporated hereby remove this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Jamie R. Carsey

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Counsel for Defendants

*Evanston Insurance Company and
Markel Service Incorporated*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of February, 2016, a true and correct copy of this instrument was forwarded to all known counsel of record using the Court's CM/ECF system, in accordance with the Federal Rules of Civil Procedure and applicable Local Rules.

/s/ Jamie. R. Carsey

JAMIE R. CARSEY